



HUMAN RIGHTS PROTECTION THROUGH THE APPLICATION OF NE BIS IN IDEM PRINCIPLE IN CIVIL ADJUDICATION

Erwin Mangasi Simanjuntak, Rio Saputra, Terubus

Universitas Sunan Giri Surabaya

correspondence: erwinmangasisimanjuntak@gmail.com

Abstract

This study analyzes the evidentiary obstacles in the application of the principle of Ne Bis In Idem in civil cases and its implications for legal certainty and the protection of human rights. A normative juridical approach with an analytical descriptive specification is used through a literature study of primary, secondary, and tertiary legal materials. The results of the study indicate that the application of the Ne Bis In Idem principle faces significant obstacles in proving the identity of the parties, the object of the dispute, and the basis of the claim. Changes in the composition of parties, changes in the administrative data of the object, and differences in the construction of legal arguments are often used to avoid the application of this principle. Administrative constraints in the form of limited access to old case archives also complicate the evidentiary process. These conditions have the potential to cause inconsistent decisions and weaken legal certainty. Strengthening the integrated case information system and increasing the capacity of judges in the substantial analysis of case identity are needed. Consistency of the Supreme Court's jurisprudence is required to provide guidelines for the optimal application of this principle.

Keywords: ne bis in idem, civil cases, legal certainty, human rights, evidence.

Introduction

The Indonesian judicial system recognizes various legal principles that serve as guidance for judges in examining and deciding cases. One principle of significant standing is the principle of *Ne Bis In Idem*, which prohibits the re-examination of the same case after a court has issued a decision with permanent legal force. This principle applies generally within the Indonesian legal system, covering civil, criminal, and administrative cases alike (Simanjuntak et al., 2025). The existence of this principle aims to provide legal certainty for parties who have obtained a final court decision. Without this principle, a dispute could potentially be filed repeatedly, creating uncertainty and injustice for the party who has already prevailed in the case. The application of the *Ne Bis In Idem* principle becomes an important instrument in maintaining the stability of legal relations within society.

In civil law, the *Ne Bis In Idem* principle is reflected in provisions governing the binding force of a judge's decision that has attained permanent legal force. A decision that has obtained permanent legal force can no longer be contested and binds the parties to the case. This principle is known as the doctrine of *res judicata pro veritate habetur*, meaning that a judge's decision must be regarded as final legal truth (Tripodi, 2025). This doctrine guarantees that a dispute which has been decided will not give rise to new uncertainty due to a repeated lawsuit. Accordingly, the parties can reorganize their legal relations based on the decision that has attained permanent force. The legal certainty created through this principle also contributes to the realization of order in social life.

The application of the *Ne Bis In Idem* principle in civil cases requires an identity between the case that has been decided and the case being refiled. This identity includes similarity of the parties, similarity of the object of the dispute, and similarity of the legal basis of the claim. These three elements must be adequately proven for a judge to declare that a lawsuit contains an element of *Ne Bis In Idem* (Nahdhah, 2023). Civil law studies show that analysis of the elements of a case must be carried out carefully so that the application of a legal principle does not miss its intended target (Chamim et al., 2023). However, in judicial practice, proving these three elements often faces various procedural and substantive obstacles. These obstacles can affect the effectiveness of

applying this principle in resolving civil disputes. A comprehensive understanding of the elements of the Ne Bis In Idem principle is therefore essential for both parties and judges throughout the judicial process.

Evidentiary problems in applying the Ne Bis In Idem principle arise when there is a change in the composition of the parties, a change in the administrative data of the object of the dispute, or a difference in the legal construction of the claims in a new lawsuit. Such changes are often used as a litigation strategy to avoid the application of this principle, even though the case being filed is substantially the same as the previous one. Judges are required to conduct an in-depth analysis to determine whether such changes are substantial or merely formal. Difficulty in accessing old case archives also becomes an administrative obstacle that hinders the evidentiary process. As a result, there is a risk of differing decisions being issued on the same dispute, which ultimately weakens legal certainty (Wewo & Naatonis, 2023).

Legal certainty is a fundamental right guaranteed within the Indonesian legal system. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that everyone has the right to recognition, guarantee, protection, and fair legal certainty. In civil proceedings, legal certainty is realized through a judge's decision that is final and binding. The Ne Bis In Idem principle functions as a mechanism to ensure that a decision which has attained permanent legal force cannot be contested again (Nurfaida et al., 2025). Efforts to strengthen the legal system and oversight also determine the extent to which the right to legal certainty can be genuinely fulfilled for every party involved in a case (Pamungkas et al., 2025). Accordingly, this principle protects a party who has obtained a favorable decision from the possibility of repeated lawsuits. This protection aligns with the principle of a state governed by law that guarantees stability and predictability in dispute resolution.

The application of the Ne Bis In Idem principle is also closely related to the protection of human rights in the civil sphere. The right to obtain justice and a sense of security is a basic right that must be respected and protected by the state. Repeated examination of the same case can create uncertainty and psychological pressure for the parties involved. The Ne Bis In Idem principle prevents the misuse of the judicial process that could harm a person's civil rights (Marin, 2025). In this regard, the principle serves as a normative safeguard to protect individuals from arbitrary action through an

improper legal process. This protection is a concrete manifestation of the principle of a state governed by law and respect for human rights.

Inconsistency in applying the *Ne Bis In Idem* principle can have serious juridical implications for the judicial system. The emergence of two or more differing decisions on the same object of dispute can create conflict in the execution of judgments. Inconsistency in court decisions can weaken the authority of judicial institutions and lower public trust in the legal system. Therefore, an integrated case information system needs to be strengthened, along with increased judicial capacity to conduct substantive analysis of case identity. Consistency in Supreme Court jurisprudence is also needed to provide clear guidance in applying this principle. Legal certainty must be balanced with justice and expediency in every decision handed down.

Based on the background of the problem, this study aims to analyze the evidentiary obstacles in the application of the *Ne Bis In Idem* principle in civil cases and to examine its implications for legal certainty and the protection of human rights. This study also aims to formulate the appropriate conception regarding the application of this principle in civil judicial practice in Indonesia. Thus, it is expected that this study can contribute to the development of civil procedural law and the strengthening of a just judicial system.

Method

This study uses a normative juridical approach with an analytical descriptive research specification. The normative juridical approach is conducted by examining library materials or secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to the *Ne Bis In Idem* principle and civil procedural law, including the Civil Code, *Herzien Inlandsch Reglement*, and Law Number 48 of 2009 concerning Judicial Power. Secondary legal materials include literature, scientific journals, and research results relevant to the application of the *Ne Bis In Idem* principle in civil cases. Tertiary legal materials in the form of legal dictionaries and encyclopedias are used to clarify understanding of the legal terms used in the study.

The data collection technique is carried out through literature study by inventorying, identifying, and analyzing various written legal sources. Data analysis is performed qualitatively using legal interpretation methods, namely grammatical interpretation and systematic interpretation (Hamzani et al., 2023). Grammatical interpretation is used to understand the meaning of words or phrases in laws and regulations based on grammar, while systematic interpretation is conducted by connecting a regulation with other regulations within the overall legal system. The results of the analysis are then presented in the form of a systematic narrative to answer the problems formulated in this study.

Result and Discussion

The Ne Bis In Idem Principle: Ensuring Legal Certainty and Protection of the Parties' Right

The Ne Bis In Idem principle is one of the fundamental principles in the Indonesian legal system that prohibits the re-examination of the same case after a court decision has attained permanent legal force (*inkracht van gewijsde*). This principle applies generally within the Indonesian legal system, covering civil, criminal, and administrative cases. Within the scope of rights protection, this principle also aligns with the guarantee of human rights as regulated in Article 18 paragraph (5) of Law Number 39 of 1999 concerning Human Rights, which states that no one may be prosecuted a second time for the same act that has already obtained a court decision with permanent legal force. This protection of rights also depends on the professional integrity of law enforcers in carrying out the judicial process fairly, since ethical conduct in legal practice determines whether the guarantee of finality is genuinely upheld (Saktiawan et al., 2021).

In civil law, this principle is reflected in the provisions of Article 1917 of the Indonesian Civil Code, which regulates the binding force of a judge's decision that has attained permanent legal force. This provision affirms that a judge's decision applies only to the substance of the case decided and cannot be contested again. To reinforce its application in modern judicial practice, the Supreme Court issued Supreme Court Circular Letter (SEMA) Number 2 of 2019 concerning the Enforcement of the Formulations of the Results of the 2019 Supreme Court Chamber Plenary Meeting as Guidelines for Court Duties. This SEMA explicitly formulates the Civil

Chamber's legal position that a lawsuit filed by the same plaintiff, over the same object, and with the same subject matter as a prior lawsuit that has already been examined on its merits (whether granted or rejected) and has attained permanent legal force, must be declared inadmissible (*niet ontvankelijke verklaard*) on grounds of *ne bis in idem*, even if the grounds of the claim are formulated differently (Simanjuntak et al., 2025).

This principle, derived from Latin and meaning that the same matter may not be tried twice, carries significant philosophical meaning in civil cases because it reflects the value of justice by affirming that the parties cannot be examined or decided upon repeatedly over an identical dispute. A judge's decision in resolving a civil dispute serves as a means to conclusively end the parties' dispute through the judicial process (Wewo & Naatonis, 2023). This effort to bring disputes to a conclusive end is also reflected in traditional mediation mechanisms used to settle inheritance disputes without requiring repeated examination by the courts (Futriyah et al., 2023). This decision represents the final outcome of the entire examination and trial process, since it is through this decision that the judge determines the rights, obligations, and responsibilities of the parties based on the facts revealed and the applicable legal provisions. This judicial function is reinforced by Article 2 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which affirms that justice is administered "For the Sake of Justice Based on the One and Only God," requiring that cases be resolved conclusively and with certainty.

In civil procedural law, a judge's decision is expected to provide legal certainty and to be final and binding. This means that once a decision attains permanent legal force, the same case cannot be refiled. Preventing the risk of disputes from the outset, for instance through clearly formulated agreements, also supports the achievement of legal certainty without the need for repeated examination (Syariffudin et al., 2025). This aims to protect the rights of the parties, prevent the emergence of recurring disputes, and maintain the stability of legal relations in social life (Nurfaida et al., 2025). From a juridical standpoint, a judge's decision as the end point of a dispute reflects the judicial function of creating legal certainty and order through a decision that is valid and final. This aligns with the purpose of judicial power set out in Article 4 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which mandates that courts assist

justice seekers and strive to overcome all obstacles and impediments to achieving simple, swift, and low-cost justice, in which prohibiting the repetition of disputes is a form of legal efficiency.

The Ne Bis In Idem principle is closely related to the judge's purpose in carrying out the judicial function. Law, ideally, must be able to realize legal certainty, expediency, and justice in a balanced and proportional manner. The existence of this principle is one way to maintain that balance in judicial practice. The main purpose of the Ne Bis In Idem principle is to provide legal protection to every person so that they are not prosecuted or tried again for the same event previously decided by a court. This principle also aims to prevent repeated examination by the state of a case that has already been examined, since this could give rise to differing decisions and ultimately undermine legal certainty. Accordingly, this principle functions to protect the parties from unfair treatment, prevent the misuse of judicial mechanisms, and ensure that the case examination process proceeds objectively and impartially.

Legal certainty is a fundamental principle that guarantees stability and predictability in dispute resolution. Legal certainty relates to clarity and consistency in the application of law as well as the finality of court decisions. This concept is rooted in the state constitution, as affirmed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which guarantees every person's right to recognition, guarantee, protection, and fair legal certainty as well as equal treatment before the law. The Ne Bis In Idem principle affirms that a court decision that has attained permanent legal force cannot be contested by refiling the same case. Legal certainty requires that decisions be consistent and predictable, so that the parties are not shadowed by uncertainty arising from the possible recurrence of an identical dispute. With legal certainty guaranteed, the rights of the parties are protected, the stability of the judicial system is maintained, and society can understand and anticipate the legal consequences of every action.

This principle functions to maintain legal certainty, prevent recurring cases, and protect the parties from improper use of the judicial process. The application of the Ne Bis In Idem principle is based on the principle that a matter already decided with a decision of permanent legal force may not be re-examined. This principle provides protection and peace of mind to the

party concerned, so that they are not continuously under threat of prosecution over the same case. Beyond guaranteeing legal certainty, this provision is also closely related to the protection of human rights. To produce a decision with permanent legal force, a judge must consider three main elements: legal certainty, justice, and expediency. These three elements must be given balanced attention so that the decision handed down genuinely provides an appropriate resolution and carries final legal force. In practice, a party who feels aggrieved or dissatisfied with a decision will try to find a loophole to file a new lawsuit in order to obtain a result more favorable to their interests. This tendency is often seen in sale-purchase disputes, where a party harmed by a breach of contract seeks a new legal avenue in an attempt to obtain more adequate protection (Aryanto et al., 2023).

Legal Anatomy of the Ne Bis In Idem Principle: Criteria for Claims That Cannot Be Refiled

The Ne Bis In Idem principle in civil cases contains elements as regulated in Article 1917 paragraph (2) of the Indonesian Civil Code, namely that the claim must be based on the same grounds, filed by and against the same parties, and situated within the same legal relationship. Accordingly, a case cannot automatically be considered to contain the Ne Bis In Idem principle merely because the object and the parties are the same. A new lawsuit must also share the same grounds and arise from a legal relationship identical to the case previously decided. The first element that must be fulfilled is that the grounds of the claim must be the same, meaning the new lawsuit is based on facts and legal arguments identical to the earlier case. The second element is that the parties must be the same, meaning the lawsuit is filed by and against the same legal subjects as in the previous case. The third element is that the legal relationship must be the same, meaning the dispute filed must arise from an identical relationship of rights and obligations.

The fourth element that must be fulfilled is that the object of the dispute must have already been contested before, meaning the matter raised in the new lawsuit is genuinely the same as the previous case, both in terms of the description of events and the claims sought. This requirement becomes especially relevant in disputes over exclusive rights, where a claimant may attempt to refile a case despite having previously

faced obstacles in pursuing the same claim through the courts (Hardyansah et al., 2021). The fifth element is that the prior decision must have attained permanent legal force, meaning that if the decision is still undergoing legal remedies such as appeal or cassation, the Ne Bis In Idem principle cannot yet be applied. Permanent legal force is the primary requirement because it shows that the case has been legally concluded. The application of the Ne Bis In Idem principle depends on the similarity of the object of the dispute and the grounds of the claim, not merely on the similarity of the parties. If an object of dispute has obtained legal status through a final and binding decision, that dispute cannot be refiled.

A decision that has attained permanent legal force is one that can no longer be contested, binds the parties, and can be used as evidence, particularly regarding legal events that have been established by the judge. If a new lawsuit concerning the same matter and involving the same parties is filed, the judge, based on the Ne Bis In Idem principle, must reject that lawsuit (Ceban, 2024). A judge's final decision must be regarded as legal truth that can no longer be contested. A judge's decision holds a strong standing because it carries binding force and legal authority. This binding force also plays a role in reinforcing public trust that the legal process protects the rights of those seeking justice, a matter closely tied to how the public perceives the state's guarantee of legal protection more broadly (Hardyansah et al., 2022). A judge's decision can also be regarded as a source of law, since it is through that decision that a dispute is conclusively resolved. When a decision can be enforced, justice and legal certainty for the parties can be realized.

Whether or not the Ne Bis In Idem principle applies to a case is determined by the similarity of the object of the dispute previously decided through a court decision with permanent legal force. A decision may be declared to have attained permanent legal force if ordinary legal remedies have been closed off, either because the parties have exhausted appeal and cassation in accordance with civil procedural law, or because the time limit for filing such remedies has passed. In addition, the decision must be positive in nature, meaning a decision that entirely rejects the lawsuit or a decision that grants the lawsuit, whether in whole or in part (Padang, 2025). These requirements are important to ensure that a decision has

genuinely attained final and binding legal force, so that the *Ne Bis In Idem* principle can be applied appropriately.

In civil practice, a case can be declared to contain the *Ne Bis In Idem* principle if it meets certain conditions. The first condition is that the grounds of the claim must be the same, meaning the new lawsuit is based on facts and legal arguments identical to the earlier case. The second condition is that the parties must be the same, meaning the lawsuit is filed by and against the same legal subjects as in the previous case. The third condition is that the legal relationship must be the same, meaning the dispute filed must arise from an identical relationship of rights and obligations. The fourth condition is that the object of the dispute must have already been contested before, meaning the matter raised in the new lawsuit is genuinely the same as the previous case. The fifth condition is that the prior decision must have attained permanent legal force, meaning the decision has been legally concluded and can no longer be contested.

Problems and Evidentiary Obstacles of the Principle of *Ne Bis In Idem* in Civil Judicial Practice

The application of the principle of *Ne Bis In Idem* in civil cases requires identity between a case that has already been decided and a case that is filed again. This identity includes the sameness of the parties, the sameness of the object of the dispute, and the sameness of the basis of the claim. In practice, proving these three elements often becomes a complex issue and poses various obstacles. The first element that must be proven is the sameness of the parties in the previous case and the case currently being examined (Setiawan et al., 2023). Obstacles arise when there is a change in the composition of the parties, such as the addition of new parties, a change in legal capacity, or the replacement of parties due to the transfer of rights. In such conditions, the judge must determine whether the change is substantial or merely formal. The identity of the parties must not be assessed solely based on names or formal status, but must be viewed from the legal relationship underlying the dispute.

If the substance of the legal relationship remains the same, then the element of party identity can be considered fulfilled. The problem is that complete documents or evidence to show the continuity of such legal relationship are not always available. In the civil evidentiary system, which

adheres to the principle that he who alleges must prove, the burden of proof rests on the party raising the exception of the Ne Bis In Idem principle. This can become an obstacle if the party does not have access to a complete copy of the previous case. The next obstacle relates to proving the sameness of the object of the dispute. In civil cases, the object of the dispute can be goods, property rights, or other civil rights. In land dispute cases, changes in certificate numbers, subdivision of land plots, or changes in land administration data often occur, which can create the impression that the objects are different.

The identity of the object must be viewed from the substance of the disputed rights, not solely from its administrative form. Proving this substance requires supporting documents such as certificates, deeds, or previous decisions. When administrative differences exist, the judge must conduct an in-depth analysis to ensure whether the object is truly the same or not. Obstacles become more complex if the previous decision does not detail the boundaries of the object of the dispute. The lack of clarity in the ruling or legal considerations of the previous decision can make it difficult for judges to compare the case objects (Alanis et al., 2025). The most difficult element to prove in practice is the sameness of the basis of the claim, because differences in the construction of legal arguments are often used as a litigation strategy to avoid the application of the Ne Bis In Idem principle.

A dispute previously filed on the basis of breach of contract, is then refiled on the basis of an unlawful act, even though the object and the parties are the same. What must be looked at is not only the legal basis stated in the claim, but the legal facts underlying the demand. If the material facts are the same, then essentially the core of the case remains the same. Judges often face a dilemma in determining the boundary between substantial differences and formal differences. Evidentiary obstacles become heavier because there are no normative parameters that strictly regulate how to test the sameness of the basis of the claim. As a result, the application of this principle heavily depends on the judge's interpretation, which may differ from one decision to another. This indicates that proving the sameness of the basis of the claim requires careful and in-depth analysis from the judge.

In addition to juridical obstacles, there are also administrative obstacles in proving the Ne Bis In Idem principle. The Supreme Court has

developed a Case Tracking Information System to facilitate case tracking, but not all case data is fully documented and easily accessible. In some cases, the party raising the exception must present an official copy of the previous decision as evidence. Limited access to old case archives, especially cases decided before the digitalization of the judicial system, can be a barrier in proving the *Ne Bis In Idem* element. This impacts the effectiveness of the application of the principle in practice. These evidentiary obstacles have direct implications for legal certainty, because if the proof of the *Ne Bis In Idem* element is not carried out carefully, there is a risk of two different decisions emerging for the same dispute.

Decision inconsistency can reduce the authority of the judiciary and weaken public trust in the legal system. The application of this principle without adequate evidentiary analysis can also harm parties who genuinely have a valid new claim basis. Judges are demanded to apply a balanced approach between the protection of legal certainty and the guarantee of access to justice. These evidentiary obstacles show that the application of the *Ne Bis In Idem* principle requires caution and thoroughness from judges in analyzing each required element. Without adequate proof, this principle cannot be applied optimally, and the goal of creating legal certainty remains unachieved.

The *Ne Bis In Idem* Principle: The Constitutional Right to Legal Certainty and Its Juridical Implications

Legal certainty is one of the fundamental rights guaranteed within the Indonesian legal system. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that everyone has the right to recognition, guarantee, protection, and fair legal certainty. This provision shows that legal certainty is not merely an abstract principle but a constitutional right of citizens that the state is obligated to guarantee, including through judicial mechanisms. In civil proceedings, legal certainty is realized through a judge's decision that is final and binding. Legal certainty implies clarity of norms and consistency in their application, so that society can anticipate the legal consequences of an action (Sugiyanto et al., 2025). If a court decision that has attained permanent legal force can still be contested again without clear limits, the right to legal certainty becomes threatened.

The protection of the right to legal certainty through the Ne Bis In Idem principle has several important dimensions. The first dimension is protection for the party who has obtained a favorable decision, since without this principle a party who has won a case could potentially be sued repeatedly, leaving their right never truly protected. The second dimension is protection for the stability of legal relations, since a dispute without a clear endpoint can disrupt the stability of civil relations, particularly in cases concerning land rights or other property rights. The third dimension is protection for judicial efficiency, since applying the Ne Bis In Idem principle serves to prevent the waste of judicial time and resources caused by relitigating the same case. The protection of the right to legal certainty cannot be separated from two other legal values, namely justice and expediency (Padang, 2025). In certain civil matters, such as inheritance disputes, this balance becomes particularly delicate, since a purely formal application of finality may overlook substantive fairness for parties whose rights were not adequately voiced in the earlier proceeding (Darmawan & Fitroni, 2026).

Juridically, if a lawsuit is declared to contain an element of Ne Bis In Idem, that lawsuit must be declared inadmissible. This decision is not a rejection of the substance of the case, but an affirmation that the case does not meet the formal requirements to be re-examined (Marin, 2025). This implication shows that the Ne Bis In Idem principle functions as a filtering mechanism within the judicial system to prevent the waste of judicial time and resources caused by examining a case that should not need to be refiled. A similar concern for avoiding repeated legal proceedings over matters that have essentially been settled also underlies approaches that seek resolution outside repeated formal prosecution, prioritizing a conclusive outcome over prolonged proceedings (Darmawan & Negara, 2023). Nevertheless, another juridical implication is the potential restriction of a person's right to file a lawsuit. If this principle is applied too formalistically without considering its substance, there is a risk of obstructing access to justice. Judges must apply this principle carefully and proportionally.

If the Ne Bis In Idem principle is not applied consistently, serious juridical implications for legal certainty will arise. One of the greatest risks is the emergence of two or more differing decisions on the same object of dispute (Wewo & Naatonis, 2023). This condition can create conflict in the execution of decisions and even result in unclear legal status for an object.

Inconsistency in court decisions can weaken the authority of judicial institutions and lower public trust in the legal system. Legal certainty becomes threatened when a decision that should be final can still be contested again on the grounds of formal differences. Inconsistent application of this principle also risks creating disparities in decisions between courts, since differing interpretations of the elements of case identity can produce different decisions in cases that are substantially similar.

Law Number 39 of 1999 concerning Human Rights affirms that human rights are inherently attached to every individual and must be respected, protected, and enforced by the state. It also regulates various fundamental rights, including the right to obtain justice and a sense of security (Akmal, 2023). In the civil sphere, the protection of the right to obtain justice is closely related to the *Ne Bis In Idem* principle, which prevents a person from repeatedly facing the same dispute after a decision has attained permanent legal force. The application of the *Ne Bis In Idem* principle in civil cases reflects the protection of individuals from arbitrary action. This principle aligns with the doctrine prohibiting the state or other parties from using the legal process improperly or repeatedly without valid grounds. A person must not be continuously sued over the same object, grounds, and legal relationship, since this could create uncertainty and injustice.

The relevance of the *Ne Bis In Idem* principle is evident in the dynamics of extraordinary legal remedies, particularly Judicial Review (*Peninjauan Kembali*). A balance is needed between the pursuit of substantive justice and the principle of finality of decisions. If Judicial Review is used without clear limits, the *Ne Bis In Idem* principle could be eroded and potentially violate the right to legal certainty (Wewo & Naatonis, 2023). The protection of human rights means ensuring that the legal process does not proceed without end. The potential violation of the *Ne Bis In Idem* principle in cases with civil overlap, such as asset forfeiture, can lead to repeated examination of the same substance, thereby creating procedural injustice. The *Ne Bis In Idem* principle serves as a normative safeguard to prevent violations of the principle of fair trial. Conceptually, the relevance of this principle to the protection of human rights in civil law can be formulated as a guarantee of legal certainty, protection against the burden of repeated litigation, and reinforcement of the finality of court decisions.

Conclusion

The application of the ne bis in idem principle in civil cases faces significant evidential challenges, particularly in determining the identity of the parties, the identity of the subject matter of the dispute, and the identity of the grounds for the claim. Changes in the composition of the parties, changes to the administrative details of the subject matter, and differences in the construction of legal arguments are often used as litigation strategies to circumvent the application of this principle. Administrative obstacles, such as limited access to archives of old cases, also complicate the evidentiary process. These conditions have the potential to lead to inconsistencies in judgements and undermine the legal certainty that this principle is intended to guarantee.

The implications of this research are the need to strengthen an integrated case information system to facilitate the tracing of previous cases. Enhancing judges' capacity to conduct substantive analysis of the nature of a case is also crucial. The Supreme Court needs to provide clearer guidance through consistent case law regarding the application of the ne bis in idem principle in civil cases. In this way, this principle can function optimally as an instrument for safeguarding legal certainty and human rights within the civil justice system in Indonesia

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